

**CITY OF MILWAUKIE
CITY COUNCIL WORK SESSION
JUNE 9, 1998**

The work session came to order at 5:30 p.m. in the City Hall second floor conference room.

Present: Mayor Tomei and Councilors Lancaster, Kappa, King, and Marshall; Planning Commissioners Cook, Hammang, and Miller.

Staff: City Manager Bartlett; Assistant City Manager Richards; Senior Planner Heiser; Interim Community Development Director Swanson; Chris Eaton and Jean D'Agostino, W&H Pacific; and Brenda Bernards, Metro.

Eaton reviewed the Interim Functional Plan Compliance Matrix. The matrix showed: Plan requirements; summary of the issues and rationale; applicable Milwaukie plans and policies; summary of the existing policies; compliance; summary of possible policy options for compliance; and notations.

Councilor Lancaster asked if this was Eaton's interpretation of the City's current status. **Eaton** said that was correct. **Councilor Lancaster** asked if it was a strict interpretation of how the Plan was written, or was she speaking to the intent. **Eaton** said she felt she generally took a conservative approach, and her interpretation was fairly strict.

Councilor Lancaster asked if it would be a fair statement to say that those requirements she identified as being in partial compliance could be interpreted as "yes." **Eaton** responded that by partial compliance she meant there were some existing policies or directions. Her intent was to let the reader know that the steps toward compliance are partially done.

Eaton reviewed the matrix:

Title 1 – Housing and Employment Accommodations

Section 2.A -- Minimum Densities would require substantial discussion. All zones with residential uses would need to have a minimum density of not less than 80% of the maximum dwelling units.

Hammang asked if that meant a single lot on private land had to be at 80% density. **Eaton** said it would have to be at 80% of the maximum zoned density. **Hammang** asked if the requirement would be for two or three houses per acre instead of one. **Eaton** said that was correct.

Miller asked if a person owning a 1500 square foot lot in an R-7 zone would be prohibited from building a single-family residence on it. **Heiser** thought this applied only when new lots were created. **Eaton** said there were several options. If applying for a subdivision or partition, the applicant would have to show it was being platted at minimum densities. The Plan also refers to “any development permit”, so it could apply to a single-family house. Her interpretation was that the applicant’s site plan would indicate how additional houses could be accommodated in the future. She noted that Milwaukie did not have a lot of vacant land that could be developed as subdivisions.

Hammang discussed the issues of lot configuration and future partitioning.

Councilor Lancaster was concerned that additions or remodels could be seen as compromising the ability to partition in the future.

Eaton was not sure this was applicable to an addition. A development permit relates to a new house. If the policy requirement is to make the best use of the land, then houses should not be in the middle of a large lot so as to inhibit future partitioning. It would apply to all residential zones.

Miller asked, for clarification, if this applied to a person who owned his/her own land and was building a single-family residence. **Eaton** said it would apply to all residential zones. **Miller** was very concerned about individuals being held to this kind of standard.

Hammang asked how this would apply if a lot had large trees that the property owner wanted to preserve. **Eaton** said Council could address natural resource concerns in its response to Metro. Accommodation of natural resource zones also exists in 2.B -- Partitioning Standards.

Hammang pointed out that natural resource zones have an almost statutory definition. The whole Plan has encumbrances that he did not see serving the good of Milwaukie. **Eaton** discussed shadow platting to show how density could be met in the future.

The group discussed current zoning and lot sizes.

Coleman said the definition of development application excludes partitions and building permits. The discussion is about subdivisions and dealing with land development.

Councilor Kappa commented subdivisions were a form of infill. Do the parameters change if the City decides to require a developer to purchase five, ten, or fifteen acres instead of buying one lot at a time? He was looking to create communities rather than subdivisions. Would such a policy change the parameters of minimum and maximum densities?

Coleman said there would be a regulatory question based on a person's right to make economic use of his property. The issue would have to be researched to determine to what extent this policy could be carried out. The minimum density mandatory in the Functional Plan would be applied to that subdivision.

Councilor Lancaster asked who ultimately determines reasonable economic use of property. **Coleman** said the courts make that determination.

Hammang said the language, "any development permit, including subdivisions" led him to believe there might be more than one type of development other than subdivisions to which this applies.

Eaton said another option under this section was for small lot districts with average lot sizes.

Bernards discussed another option, which was building to 80% of the existing zoning. There is flexibility in how this is applied, and the City may wish to apply densities greater than 80% in certain areas in order to meet targets. It is important to remember this is a regional plan, so, if Milwaukie makes its minimum densities too low and does not meet its targets, then it must explain its rationale to the other jurisdictions. Minimum densities are important in all residential zones to make efficient use of the land. Not all zones have to meet 80%, but the City also has a target to achieve. There may be areas of the City where flexibility is wanted, but these will probably be very small, specific neighborhoods. Other parts of the City would be appropriate for multi-family or small lot development meeting the 80%. Milwaukie will put a range in place that will get the City to its target based on its Comprehensive Plan and Zoning Ordinance.

Councilor Kappa understood that density greater than 80% could be applied to certain areas to allow flexibility in others. **Bernards** said Milwaukie has to meet the Functional Plan targets when calculating minimum densities.

Eaton reviewed the City's existing policies. She referred to Municipal Code Section 413 relating to transition areas between multi- and single-family zones.

Councilor Lancaster asked if it would be a fair characterization to say these targets equaled density quotas. **Eaton** did not believe densities implied quotas. The targets are for mixed use areas in the City and concentrate employment and population centers. Preliminary figures indicate the City of Milwaukie is currently at 76% – 77% of capacity based on current build out.

Councilor Kappa commented it seemed development has primarily been flaglots and subdivisions in the Lake Road area. **Eaton** said she did not have the locational figures yet.

Councilor Kappa said, from his perspective, it was all right to meet densities, but the real issue was to provide livability and not significantly change the community. He also had many questions about Title 3.

Eaton asked the group for a sense of which Title 1 option to development.

Miller said his concern had to do with reference to “any development permit.” If this becomes part of the Functional Plan, he felt this would become a request for enforcement. He felt strongly that it should not be in the Plan. Will there be a policy that states a permit on a 1500 square foot lot would be denied because it did not meet the Functional Plan? **Eaton** said Coleman had clarified that this applied to subdivisions. The changes would be to the Subdivision Ordinance. **Bernards** said it should be “application” not “permit.”

Eaton said the Planning Commission would see subdivision applications that included an analysis of how density requirements would be met.

Mayor Tomei clarified this would not apply to every house being built. **Eaton** said that was correct; it would apply to subdivisions, planned use developments, and expedited land use applications.

Councilor Marshall asked how the policy would impact an area that was developed 20 years ago. **Eaton** said the minimum density plus the current zoning would apply. She did not believe it would be a radical change from how development has taken place over the last five to eight years.

Councilor Kappa had never agreed with some of the development methods in the area and felt it was time to make changes.

Hammang said it seemed the development pattern over the last five years was more desirable for reaching the goal than the previous. He did not see why much had to be done since the City has substantially complied. He agreed “development permit” should be changed.

Eaton said the City could request an exception and state it wishes to continue developing under the current building pattern. This is a policy decision about minimum densities. She was looking for direction on what to include in the City’s draft report. Her sense from the discussion was that the current development pattern was close to 80%, and the City was not interested in mandating a minimum of 80%. The current percentage is acceptable to the City.

Councilor Lancaster felt the overriding issue he heard was that Milwaukie's density should be determined by maintaining the livability with existing neighborhood qualities. He perceived this as a strategy to maintain the Urban Growth Boundary. To him, the goal was to maintain the character and quality of Milwaukie's neighborhoods.

Miller referred to 2.B – Partitioning Standards and asked if this Functional Plan requirement would override a property owner's application for four or five variances on a 1500 square foot lot.

Councilor Marshall felt 2.B applied more to Milwaukie than 2.A. Milwaukie is basically an established City, so there are only certain areas for subdivisions. Infill is what has and will be transpiring in the City. He understood it to mean one had to subdivide a large lot. **Eaton** noted the language says partitioning or subdividing is not prohibited.

Hammang said there is a list of known methods to encourage infill. Would the City be prohibited from saying flaglots were no longer appropriate? **Eaton** said, if Milwaukie changed its current policies, the ability to comply would have to be analyzed. At this time the City is in compliance.

Hammang felt the danger would be that if the City decided flaglots were no longer appropriate for the community, then Metro could say that was how Milwaukie had met its densities during the development analysis period between 1990 and 1995. Removing that section of the ordinance would prohibit Milwaukie's continuing with infill policies.

Eaton said, if the ordinance were amended to prohibit flaglots, City staff would have to prepare a finding to show consistency with the Functional Plan. Metro could appeal the amendment and bring action against the City.

Hammang said he believed the problem to be, after reading the ordinances and literature, a cascade of issues that could trip up the City. He urged the City to proceed cautiously.

Councilor Kappa did not feel flaglots helped maintain Title #6 – Transportation and Connectivity. They hinder the City's ability to respond to providing and maintaining regionally significant routes.

Eaton felt it was important to discuss current codes and policies at this point. The City is currently in compliance, and that is what Metro will be told. Changing flaglot access widths does not prohibit that type of development. The City is regulating, not prohibiting, appropriate development.

Hammang said this would be a tool that was denied to the previous development process.

Councilor Lancaster noted Kappa had pointed out conflicting strategies in the Functional Plan and asked how Milwaukie decides what is most important.

Miller added the language says, “thou shalt not prohibit.” Will the Planning Commission have to approve a request based on this language.

Eaton said it does not say all partition applications have to be approved. A variance is the City’s own regulation and describes what is appropriate on a case-by-case basis.

Hammang was concerned that Metro might see certain changes as a defacto moratorium in relation to past history.

There were no concerns with 2.C -- Accessory Dwelling Units. These are allowed in the current code.

Eaton reviewed 3.A -- Design Type Requirements. The City of Milwaukie is partially in compliance with its adoption of the Regional Center Master Plan and mixed-use zone.

Councilor Kappa asked if the design type had to be consistent throughout the City. **Eaton** said Metro design types have to do with the Regional Center, Main Street, Station areas, Inner and Outer Neighborhoods, Corridor, and Industrial and Employment areas. The requirement is one of map consistency.

Hammang asked if there was an identified Regional Center boundary and did it include 42nd Avenue. **Eaton** said the Regional Center Master Plan, which was adopted as an ancillary document to the Comprehensive Plan, did establish the boundary. She noted the Council had also adopted a Plan Map that addressed the downtown area.

Councilor Marshall did not think the question could be answered until the Regional Center/Town Center issue was addressed.

Eaton said, through the Regional Center Planning process, the City has identified the area that meets Title 1.3.A requirements. The City Council further refined it by changing the Comprehensive Plan Map and designating a particular area as a Regional Center.

Coleman said the Regional Center Master Plan can be used as the document setting the outside parameters. The City has taken the step to implement it through the Plan in a smaller geographic area.

Hammang was concerned that the community needed a more clearly defined map.

Eaton suggested the City request further time to study the boundaries because she did not believe it could be accomplished by February.

Cook added the designation might also change to a Town Center, and she asked if that would look different.

Eaton referred to the Town Center vs. Regional Center issues and the time needed for discussion. Most of the questions would likely be in Title 1 – Housing and Employment Accommodations. She discussed Item 4.A – Calculate Actual Built Densities. The required policies already exist in the Comprehensive Plan and Zoning Ordinance. The calculations of 4.A work into the calculation of 5.A regarding housing. The information is beginning to feed out of the City's GIS map.

Councilor Marshall referred to 4.A and the number of dwelling units needed in the outer neighborhoods.

Eaton responded the design type density was only a recommendation.

Bernards said this would equal about six or seven unit per acre which is probably the current zoning.

Eaton said most of the residential neighborhoods are not inconsistent with that. The requirements are a blend of housing and employment, so these are difficult numbers with which to deal. She would address this concern in the July 7 Interim Draft Title 1 section of the Compliance Report.

Hammang made the point that the job and housing numbers were still variable. There may be some assumptions that are not valid.

Eaton said she would also prepare a methodology report.

Title 2 – Regional Parking Policy: No questions at this time.

Title 3 – Water Quality, Flood Management, and Fish/Wildlife Habitat Conservation. **Eaton** reviewed the March 1998 draft of this Title and noted it was scheduled for adoption at the end of June. In general, the City's Natural Resource Zone and Map are consistent with the Title 3 map. Those lots requiring protection have been identified. The difference would be in that the Title 3 standards are stricter, so there would be some additional preservation and protection offered. The City would have to comply within eighteen months of adoption. In terms of the map, the City is very close, but the standards need to be adjusted.

Councilor Kappa had concerns that the City's compliance with Title 3 would make it difficult to meet housing unit and infill requirements. There will be a direct impact on Milwaukie's ability to protect its rivers and streams.

Eaton said she would compare the Title 3 requirements with the capacity calculations.

Councilor Kappa saw a conflict with the adopted Johnson Creek Management Plan. The Willamette River Management Plan still needs a lot of work.

Title 4 – Retail in Employment and Industrial Areas. **Eaton** pointed out the employment areas in the industrial and business industrial zones. This Title deals with prohibiting "big box" development. Milwaukie's current standards do not do that, and these areas are not mapped. The action would be to put these areas on the map and call out specific prohibitions.

Hammang asked if the area north of Hanna was Milwaukie's industrial area and discussed future transportation routes. **Eaton** said that was one industrial area, and the other was on Hwy. 224. **Hammang** asked if, in the future, that would prohibit the City from transitioning the land to another, more useful zoning. He was concerned about being locked into a stale land use. **Bernards** said the Plan will be a living document and could change to fit economic trends.

Councilor Kappa said those areas are needed to meet the employment capacity. **Eaton** said the Title 4 map is mainly to protect from potential loss of large industrial employment areas.

Title 6 – Regional Accessibility. This title addresses regional street design guidelines. The City's Transportation System Plan (TSP) is consistent with identifying these as key routes throughout the City. Although the nomenclatures do differ, Metro is most concerned with the design standards.

Councilor Kappa referred to 18.3 – Design Standards for Connectivity. He felt this was directly related to his concerns with flaglot activity in the City. **Eaton** said, if the City identifies conflicts between the Functional Plan and its current policies, these can be addressed as part of the argument or analysis made for an exception.

Heiser added the subdivision ordinance prohibits cul-de-sacs, and through streets must be provided unless there are topography or use restrictions.

The group agreed to discuss this issue at a future work session.

Eaton distributed information on the Regional vs. Town Center designation. The memo described the technical issues and provided definitions and options. It discussed the 2040 Growth Concept and the hierarchy of centers and the inherent benefits. This is the comprehensive plan behind the Functional Plan. Some of the policies she looked at specifically had to do with transportation system infrastructures. Regional Center projects will be given the highest priority, and there was discussion of either phasing in the nine Regional Centers or reducing the number. The twenty-year targets are 1,173 dwelling units and 2,119 new jobs.

Councilor Marshall referred to the dwelling unit and job targets and asked if this included the Expanded City Center up to 42nd and King Road. **Eaton** said that was correct. She discussed the subareas, and noted there were thirty-two sites examined for their new job producing potential.

Councilor Marshall said it seemed having no Expanded City Center would impact what the Milwaukie Regional Center Master Plan could achieve. **Eaton** said it would depend on the redevelopment sites.

Councilor Kappa asked if there could be a geographically smaller Regional Center with a Town Center around it. Would doing this change the City's targets and what would be the financial impacts? **Eaton** said the Regional Center Master Plan does identify a core with a redevelopment area. There could be less development in the outer ring, or development could be phased in over time.

Eaton discussed possible funding impacts to regional transportation projects. The Regional Center designation has the potential to score higher when projects are prioritized.

Councilor Kappa asked who would be more immediately eligible for funding since Milwaukie is so close to the Clackamas Town Center. If Milwaukie were designated a Regional Center, it could score the same maximum points as the Town Center. There is no particular amount of money set aside for Regional Centers.

Eaton discussed the urban growth report and established targets. A Regional Center has about twenty-five dwelling units and ninety-five employees per net acre; therefore, the City of Milwaukie fell very short of these targets. A Town Center is fourteen dwelling units and fourteen employees per net acre. The number of residential dwelling units in Milwaukie is somewhat higher than a Town Center. If the City of Milwaukie asks for an exception, the targets would have to be absorbed elsewhere. Metro will evaluate the Compliance Reports after they are all submitted and go through a decision process.

Eaton discussed the three possible options for action: remain a Regional Center; remain a Regional Center and work on long-term phasing; or seek an amendment to the Growth Concept Map with an exception to Table 1.

Park Land Acquisition

Richards said the purpose of the work session was to introduce options for speeding up land acquisition.

Dom Colleta, City Attorney, O'Donnel, Ramis, Crew, Corrigan & Bachrach, LLP. He discussed the legal parameters in which the City must work to acquire property. The general authority is found in the City Charter and Oregon Revised Statutes. The City has the authority to acquired in four general ways:

1. conditions of approval or dedications that take place when partitioning or subdividing a property that are recorded and become part of the record;
2. arms-length negotiations performed by an agent hired by the City to negotiate and finalize a contract with the property owner;
3. donations to the City; and
4. condemnation process which is usually the last resort.

There are two principal acquisition techniques:

1. fee title or outright ownership with the exception of easements or covenants and restrictions; and
2. easement or property dedication for an intended use or purpose; the person from whom the easement or dedication was obtained still owns the underlying property.

The City Attorney recommended the City take fee title in instances for large or economically significant property, parks, and building or facility sites. In this case the property would have to be sold if the City decided it was no longer interested. An easement is the best method if the property is in the nature of a right-of-way or temporary use.

If the City finds it cannot negotiate, it may then undertake condemnation which is always either actual litigation or pending or threatened litigation. These topics are discussed in executive session because of the nature of the proceedings. Discussions about prices, negotiations, or strategies should be reserved for executive session and not discussed on the record.

Under changes in the law over the past year, it is now necessary to provide an appraisal of the property in order to support the City's offer. That appraisal will be shared with the seller for review and evaluation. The process can be cumbersome and expensive, but sometimes condemnation is the final resort.

The final element was due diligence, the thorough investigation of a property before purchase. It is important to make sure the City is not acquiring some unreasonable liability by obtaining ownership. The principal issues would be investigating any environmental problems on that or adjacent properties and performing a comprehensive review of the current title and all back up documents relating to exceptions that would stand in the way of the City's intended use.

In terms of contracting for a property, the City Attorney recommended a due diligence study period with contingencies favoring the purchaser. This period allows time for inspections relevant to the intended use of the property.

Councilor Marshall asked the average cost of condemnation proceedings. **Colleta** said it depends on how hard it is fought. If it goes to court, it could easily cost between \$20,000 and \$30,000.

Councilor King asked if the City would recover its court costs, and **Colleta** said it would be a rare occasion.

Jeff Tashman, City Contractor for Land Acquisition, Tashman Johnson, LLC. He discussed the City's current process and alternatives. He added the City's process meets all legal requirements. The process begins with the Milwaukie City Council's decision to acquire property by a resolution declaring the public need and citing the legal authority for doing so.

He first contacts the property owner and informs him/her that the City has decided to negotiate to acquire the property and explains the process. The acquisitions with which he has been involved have been with willing sellers. The next phase of the process is an appraisal, which is done to determine the value of the property at its highest and best use. This element of the process can take from forty-five to sixty days. He also orders up a preliminary title report. When the appraisal is done he meets with the property owner and indicates how much the City would be willing to spend on the property subject to the due diligence process.

The endpoint would be a written agreement which can be a purchase and sale agreement or earnest money agreement specifying a price including a due diligence study period to make sure the property is clean and the title is clear. After the agreement, there are usually three kinds of study: environmental assessment; boundary survey; and final title report. The City Attorney handles the closing. This process can take as few as ninety days in its entirety.

Mayor Tomei said the City Council is looking for options for purchasing property quickly and asked what could be done.

Tashman responded it is critical to know if a property is or will be on the market before it is listed. This strategy is often effective in a City the size of Milwaukie. The City has a team established to carry out the elements of the process fairly quickly.

Councilor Kappa asked if the City had eminent domain and the right of first refusal on any potential park land properties. **Tashman** said the City has eminent domain only after it adopts a resolution for a specific property.

Councilor Kappa asked if it would be unethical to adopt a quick resolution.

Bartlett said the City wants to be able to evaluate a property for suitability. There is always a risk of moving too quickly and incurring additional cleanup costs. The Chevron site was an example of this when DEQ missed two underground storage tanks. Sometimes cities can work with a land trust to move more quickly.

Tashman suggested that if the City were not anticipating using condemnation, then it might be worthwhile indicating the City's interest to a willing seller without a resolution. The City could differentiate between properties on which it would use eminent domain and those it simply intends to express an interest in purchasing.

Colleta added even the simplest transactions can take from sixty to ninety days. In his opinion, the Council really needs to have the appraisal to establish a justifiable basis for its offer on the property. There seems to be a minimum amount of time in order to acquire the land properly and protect the City's best interest.

Councilor Kappa introduced **Sylvia Milne** who was recently appointed to the Regional Parks and Greenspaces Advisory Committee representing District 2.

Charlie Ciecko, Regional Parks and Greenspaces Department Director. He discussed the variables and strategies in real estate transactions. Metro gets its policy direction from three primary sources:

1. Greenspaces Master Plan (1982);
2. Regional Framework Plan (1997) that contains the policy of continuing to develop the regional system and the Greenspaces Master Plan in order to achieve four objects:
 - Protection of biodiversity;
 - Provide natural resource dependent types of recreation;
 - Contribute to protection of air and water quality; and
 - Provide natural barriers and buffers.
3. Bond Measure that specifically identified fourteen regional target areas, regional trail and greenway projects, and a local component. Local providers presented a list of projects that were included in the

measure. The voters were told up front what Metro intended to do through a series of public meetings, a Blue Ribbon Committee, and Greenspaces Policy Advisory Committee.

Jim Desmond, Open Spaces Acquisition Division Director. The Metro Council adopted a work plan and established parameters within which staff was allowed to work without seeking Council approval. Staff was authorized to negotiate for identified properties. He suggested the City make cold calls on properties it might want to acquire and develop options. Metro also has a list of appraisers from which the seller can select. Metro Council delegated staff to go up 10% of the fair market value if the property was a high priority. If all elements of the due diligence check out, staff can go ahead with the purchase. He felt a 90-120 day period was about average. Most of the properties Metro was interested in acquiring were natural areas, so the contamination risk was lower than in an urban area.

Ciecko added, in a vast majority of acquisitions, the property was not on the market, and Metro has worked to cultivate willing sellers. The government's being a cash buyer with no contingencies is also advantageous. If the City identifies properties of value, he recommended establishing a relationship because the owner may, at some time, reconsider selling.

Desmond said the legacy concept of parks being left intact for future Oregonians appeals to many people. This is something a developer cannot do. Metro has never been involved in a condemnation; all transactions have been with willing sellers. This is difficult, however, for cities in urban areas.

Tashman said the Metro staff was able to move quickly because the property owners were willing sellers.

Bartlett said the City has established criteria, but it has not gone into the neighborhoods to identify parcels of relatively bare land over an acre in size.

Ciecko said a map was prepared that prioritized desirable properties. The map was not too specific for the public.

Colleta discussed inverse condemnation that involved diminishing the value of a person's property.

Bartlett suggested staff identify parcels with the City's GIS system and Metro Greenspaces maps and report to the City Council in executive session. He felt the 10% standard might help the Council also. The City has funds with which to purchase property.

Ciecko added the Metro Council would also meet under unusual circumstances if staff was not able to reach consensus with a property owner.

Desmond said some property owners are interested in life estates, leases, conservation easement, or strategies to avoid capital gains. The private sector cannot use these strategies.

Councilor Marshall asked the feasibility of Metro's championing the City's property purchases by providing short-term loans. **Ciecko** said Metro sold \$135.6 million in bonds, so there is considerable principle earning 5% interest. The notion was a short-term loan to local jurisdictions that have the capacity to gather funding but not in a very short period of time to close a deal. The loan repayment would have to include the amount of interest. A short-term loan could be from one to two years depending on how much money was left in the fund.

Desmond suggested the City contact the Trust for Public Lands that has national investors who buy certificates of participation to promote new parks.

Bartlett discussed non-appropriation clauses in municipal lease agreements and binding future Councils.

Ciecko suggested the City Council draft a letter to him or Mike Burton with the short-term loan proposal.

Councilor Lancaster asked if the City could offer a tax deferral component. **Tashman** said the City could compensate the seller to help pay the property taxes, but it could not waive those taxes. **Colleta** said, if there is an outright sale, then there is a value the seller has retained. The life estate is worth something based on the life expectancy of the individual and the value of the property. The balance is what was sold, so there will be a penalty on that part.

Staff direction: Begin identifying potential purchases on maps.

Councilor Marshall asked if the Park and Recreation Board (PARB) could pursue some of these suggestions. **Bartlett** said it might be difficult involving people with real estate interests because the Board cannot be bound by an executive session as the Council is.

The session ended at 7:50 p.m.

Pat DuVal, Recorder